



Filed Electronically\_\_\_\_\_

Entered on Docket  
December 31, 2009

A handwritten signature in black ink, appearing to read "Bruce A. Markell".

Hon. Bruce A. Markell  
United States Bankruptcy Judge

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Wells Fargo Bank, N.A.  
09-70628 / 0138424692

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEVADA**

In Re:

Annie Phillips

Debtors.

09-15389-bam

Motion no.  
Date:  
Time:

Chapter 13

**ORDER VACATING AUTOMATIC STAY**

Pursuant to the Declaration re Breach of Condition filed on November 13, 2009 and Debtors failure to cure the default prior to its expiration, and good cause appearing.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the above-entitled bankruptcy proceeding is immediately vacated and extinguished for all purposes as to Secured Creditor, Wells Fargo Bank, N.A. its assignees and/or successors in interest, and Secured Creditor may proceed with a foreclosure of and hold a Trustee's Sale of the subject property, generally described as 9188 Mangostone Lane , Las Vegas NV and legally described as follows:

LOT 33 IN BLOCK C OF BARCELONA, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 73 OF PLATS, PAGE 12 IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY. NEVADA AND AMENDED BY THAT CERTIFICATE OF AMENDMENT RECORDED JULY 12, 1996 AS INSTRUMENT/FILE NO. 01763 IN BOOK 960712 OFFICIAL RECORDS.

pursuant to applicable State Laws, and thereafter commence any action necessary to obtain complete possession of the subject property.

**IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give Debtors at least five business days' notice of the time, place and date of sale.**

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Secured Creditor hereby withdraws its secured Proof of Claim filed in this matter. The Secured Creditor shall notify the Trustee of the completion of the foreclosure sale. If applicable, Secured Creditor may thereafter amend its secured Proof of Claim to an unsecured Proof of Claim no later than forty-five (45) days after the foreclosure sale.

IT IS FURTHER ORDERED that in the event a Notice of Default was recorded against this particular property prior to July 1, 2009, the Debtor(s) can promptly submit a copy of this Order to the State of Nevada, Foreclosure Mediation Program and the Order will be construed as an agreement between the Secured Creditor and Debtor(s) that they have voluntarily agreed to a mediation under the

1 Nevada State Foreclosure Mediation Program pursuant to Rule 6 of said program. The necessary  
2 information can be accessed at "<http://www.nevadajudiciary.us/>".

3  
4 DATED this 29<sup>th</sup> day of December, 2009.

5  
6 Submitted by:  
7 Wilde & Associates

8 By /S/GREGORY L. WILDE  
9 **GREGORY L. WILDE, ESQ.**  
10 Attorney for Secured Creditor  
11 208 South Jones Boulevard  
12 Las Vegas, Nevada 89107  
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1 ALTERNATIVE METHOD RE: LOCAL RULE 9021:

2 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

3 ☐ The court waived the requirements of LR 9021.

4 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any  
6 unrepresented parties who appeared at the hearing, and any trustee appointed in this case,  
and each has approved or disapproved the order, or failed to respond, as indicated below  
(list each party and whether the party has approved, disapproved, or failed to respond to the  
document):

7 (List Parties)

8 Debtor's counsel:

9 ☐ approved the form of this order ☐ disapproved the form of this order

10 ☐ waived the right to review the order and/or ☒ failed to respond to the document

11 ☐ appeared at the hearing, waived the right to review the order

12 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

13 Trustee:

14 ☐ approved the form of this order ☐ disapproved the form of this order

15 ☐ waived the right to review the order and/or ☒ failed to respond to the document

16 Other Party: \_\_\_\_\_

17 ☐ approved the form of this order ☐ disapproved the form of this order

18 ☐ waived the right to review the order and/or ☐ failed to respond to the document

19 Breach Order:

20 ☐ This is an Order Vacating the Stay after the Failure to cure a Declaration of Breach. Copies of  
21 this proposed order were transmitted to Debtor's counsel and appointed trustee to which  
22 they have not replied

23  
24 Submitted by:

25 /s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

26 Attorney for Secured Creditor